

almost inevitably when you read one of the earlier provisions, a question pops into your mind. It is answered later on, but if you stop and ask it now, we lose a lot of time.

I do not mean by these comments to depart at all from what I said several days ago, because we do want to have a full explanation. I mean rather that the kind of explanation we hope to give you will have you better able to understand the full document.

Delegate Boyer, will you proceed, or Delegate Hardwicke?

Delegate Hardwicke.

DELEGATE HARDWICKE: I think last evening we pretty well had a general discussion of the first eight sections and, therefore, unless there is some objection I propose to commence on page 4 of the blue sheet, the committee recommendation, at section 9, and just cover in a very broad way the matters set forth in these sections. And if you will follow along with me on the white memorandum on page 5 which is a section-by-section explanation of the committee recommendation, I think that you can answer a lot of the questions you have in your own mind by referring to the white memorandum.

Section 9 makes it clear that the governor, lieutenant governor, attorney general, and comptroller who will be in existence under the new constitution will stand for election on the first Tuesday in November of 1970.

Section 10 preserves in office the governor, the attorney general, comptroller, and treasurer until their terms expire, which is January 6, 1971.

Now, of course, as I think this was explained at the time we went through these, there is a slight discrepancy of a couple of weeks in these offices. This language will continue them all until the same date.

Section 11 makes it clear there will not be a lieutenant governor until January 6, 1971.

Section 12 makes it clear if the governor should die or become disabled prior to the time that we have a lieutenant governor, the present method of succession in the office of the governor will be continued.

Section 13 was taken from the body of the executive article which provides the mechanism whereby there shall be a reorganization of the executive branch, and provides, as you will recall, for action by

the General Assembly and, if the General Assembly fails to act, for action by the governor.

Section 14 continues in effect the board of public works as a constitutional board until January 6, 1971. You will recall that the prior Constitution has very skimpy and to some extent antiquated duties for the board of public works, that the board of public works is basically the statutory board, as it is. We, to do a minimum of violence, have continued their present constitutional functions until January 6, 1971.

These sections, you will notice, refer back to the sections that are referred to. Section 4.06 and 4.11 relate to the gubernatorial succession, and provide that those provisions for the governor being succeeded by the lieutenant governor and so forth will not go into effect until January 6, 1971. So until that date the governor will be succeeded by the president of the Senate pursuant to the terms of the existing Constitution.

Section 4.20 relates to the duties of the comptroller. As you know, the duties of the comptroller are not set forth at great length in the new constitution, and this section 4.20 which sets forth the duties of the comptroller, defers until January 6, 1971, the time at which there would be a comptroller elected pursuant to the November elections of 1970.

So much for the executive article.

Now, in the judicial branch, let me point out some things of a general nature and then I will skip over this and we will come back to it in more detail in our section-by-section discussion.

First of all, when this constitution goes into effect on July 1, 1968, it is our expectation that the three higher courts in the three upper tiers — that is to say in the Court of Appeals, the intermediate appellate courts and the superior courts — will be merely the same courts as now exist. The judges in the equivalent court as now exist will simply be transferred to the new court structure. As far as the three upper tiers are concerned, the Court of Appeals, the Intermediate Court of Appeals, and the Superior Court, all of the judges occupying the Court of Appeals, the Intermediate Appellate Court, and the circuit court in the several counties, will be transferred automatically to the three upper tiers.

As to the district court, quite a few of the sections that are going to follow —